

OP-21.07, "Earned Work Credits"

SCDC POLICY

NUMBER: OP-21.07

TITLE: EARNED WORK CREDITS

ISSUE DATE: August 8, 2017

RESPONSIBLE AUTHORITY: DIVISION OF CLASSIFICATION AND INMATE RECORDS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: OP-21.07, (JULY 1, 2008); FEBRUARY 1, 2002

RELEVANT SCDC FORMS/SUPPLIES: 18-1, 19-54, 19-123

ACA/CAC STANDARDS: 4-4448, 4-4449, 4-4450, 4-4451, 4-4452, 4-4454

STATE/FEDERAL STATUTES: §24-13-230, §24-21-635, and §24-27-200, South Carolina Code of Laws, 1976, as amended; and Section 14, Act 462, Acts in Joint Resolution, 1986

PURPOSE: To prescribe standardized guidelines and procedures for the management and administration of Earned Work Credits (hereafter referred to as EWCs) as provided for by the above-referenced state statutes.

POLICY: In an effort to provide inmates with opportunities to become productive citizens, the South Carolina Department of Corrections (SCDC) will require all capable inmates under its jurisdiction to actively participate in a productive duty assignment and/or educational or vocational programming, consistent with security requirements. Inmates who are assigned to and actively participating in a productive duty assignment and/or educational or vocational programming and who are otherwise qualified will receive a reduction in the term of his/her sentence in compliance with applicable state statutes.

TABLE OF CONTENTS 1. RESPONSIBILITY/AUTHORITY2. GENERAL PROVISIONS3. TIME REQUIREMENTS FOR JOBS RECEIVING EWC4. STATUTORY LIMITATIONS ON AWARDING EWC

5. OTHER LIMITATIONS

6. INJURY AND HOSPITALIZATION

7. INMATE JOB/SCHOOL ASSIGNMENT

8. AWARDING EARNED WORK CREDITS

9. SECURITY PRECAUTIONS

10. LOSS OF EARNED WORK, EDUCATION, OR GOOD CONDUCT CREDITS PURSUANT TO SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED §24-27-200

11. DEFINITION

THE FOLLOWING PROCEDURES CONCERNING THE EARNING OF EARNED WORK CREDITS (EWCs) AND EARNED EDUCATIONAL CREDITS (EECs) ARE NOT APPLICABLE TO INMATES SENTENCED UNDER THE YOUTHFUL OFFENDER ACT. HOWEVER, IF A YOUTHFUL OFFENDER HAS A CONCURRENT, STRAIGHT-TIME SENTENCE, EWCs AND EECs MAY BE EARNED AND APPLIED AGAINST THE DETERMINATE PORTION OF HIS/HER SENTENCE.

SPECIFIC PROCEDURES:

1. RESPONSIBILITY/AUTHORITY:

1.1 The Division Director of Classification and Inmate Records/designee will be responsible for monitoring, coordinating, and administering the Earned Work Credit Program and approving all changes other than those which are authorized to be handled at the institutional level. In addition, the Division Director of Classification and Inmate Records/designee will:

- Ensure that these procedures are reviewed on at least an annual basis or more often if necessary; and
- Ensure that each institutional Earned Work Credit (EWC) Coordinator is promptly informed of any development regarding EWC issues.

1.2 The Division Director of Resource and Information Management will be responsible for coordinating with and providing technical assistance and appropriate EWC information affecting inmate release dates to institutions, divisions, and the South Carolina Department of Probation, Parole, and Pardon Services.

1.3 At each institution, the institutional EWC Coordinator will be the Classification Case Manager, Community Program Supervisor, or designated Caseworker where a Case Manager is not assigned. At a minimum, each EWC Coordinator will:

- ensure institutional compliance with the Agency's EWC policy, as well as coordinating EWC matters with the Division of Classification and Inmate Records;

- maintain an updated list of job supervisors authorized to sign SCDC Form 19-54, "Inmate Job/School Assignment," and ensure strict compliance with such signature requirements;
- maintain an updated roster of institutional authorized EWC job positions and the maximum numbers of inmates that can be assigned to each area;
- ensure that records are maintained properly and that all EWC data is accurately entered into the computer;
- perform quarterly audits of all EWC job and work assignments;
- ensure that inmates are entered in the appropriate job code in the automated system; and
- Meet with institutional job supervisors on a quarterly basis to resolve EWC questions and concerns.

1.4 The Assistant Division Director of Central Classification/designee will coordinate all EWC matters with the Designated Facilities to include, but not be limited to, the following:

- distribution of information pertaining to EWCs to all authorized Designated Facilities;
- collection and CRT entry of EWCs for those inmates assigned to Designated Facilities;

(NOTE: Any request for EWC backdating must be endorsed by the Designated Facilities Specialist and sent to the Assistant Division Director of Central Classification/designee who will make recommendations before forwarding it to the Division Director of Classification and Inmate Records/designee.)

- monitoring of the administration of the EWC program in Designated Facilities to ensure proper compliance with policy.

1.5 NOTE: The responsible officials for the supervision of Earned Educational Credits (EECs) and related eligibility guidelines are outlined in SCDC policies pertaining to educational credits. As provided in §24-13-230(F)(2), South Carolina Code of Laws, 1976, as amended, inmates convicted of a violent offense excluded by law will not be eligible to receive Earned Educational Credits unless they were convicted of a crime committed on or after January 1, 1996, and were sentenced to one of the "No Parole" offenses.

1.6 The 1995 Crime Bill passed June 7, 1995, outlines "No Parole" offenses as follows: Any inmate whose crime was committed on or after January 1, 1996, and was sentenced to one of the "No Parole" offenses can earn EWC/EEC and Bonus Credits at a combined maximum total of six (6) days a month and maximum annual total of 72 days.

1.7 Any inmate who was convicted of a parolable violent offense, regardless of when the offense was committed, is not eligible to earn any Earned Educational Credits.

2. GENERAL PROVISIONS:

2.1 Each inmate who was allowed to keep his/her earned work credit rate upon implementation of the pilot Classification System on September 16, 1996, will continue to earn EWCs at that rate as long as the inmate is not convicted of a disciplinary rules violation.

2.2 Earned Work Credits will be used to compensate inmates for labor performed or for their enrollment and active participation in academic or vocational programs according to the inmate's custody designation.

2.3 Each institution will provide the opportunity for a minimum of five (5) hours per day and an optimum of eight (8) hours per day, five (5) days per week, of full-time, meaningful work and/or program assignments for all capable inmates in the general population. The Agency will make mandatory the requirement that inmates participate in a productive duty assignment and/or academic or vocational programming. All jobs, program assignments, housing, and services will be distributed in a rational, fair, and equitable manner.

(4-4448, 4-4449, 4-4451, 4-4452, 4-4454)

2.4 The automated system will advance the EWC/EEC rate to Level 2 for inmates in Minimum In (MI) custody when they meet the behavioral and time requirements to advance to Minimum Out Restricted (MOR) custody.

2.5 Inmates who commit disciplinary rules violations that result in criminal charges, on or after September 16, 1996, are not eligible for an advance to EWC/EEC Level 2 rate.

3. TIME REQUIREMENTS FOR JOBS RECEIVING EWC:

3.1 Inmates working a minimum of five (5) hours per day, five (5) days per week, will be considered "full-time" and will be awarded EWCs in accordance with Procedure 8., below.

(4-4454)

3.2 Inmates working less than five (5) hours per day will be considered "part-time" and will be awarded one-half the credits as indicated in Procedure 8., below.

3.3 Inmates may perform two (2) jobs to make up a full work day, but may only receive EWCs for one (1) full-time job.

4. STATUTORY LIMITATIONS ON AWARDING EWC: Earned Work Credits (EWCs) may be applied against an inmate's original parole eligibility dates except as specified in the following cases:

4.1 Armed Robbery: EWCs earned before June 30, 1981, may not be applied against an inmate's parole eligibility date. However, EWCs earned on or after June 30, 1981, may be applied against an inmate's parole eligibility date. EWCs accrued at any time may be applied to reduce the good time release (max-out) dates of inmates sentenced for Armed Robbery.

4.2 Life Sentence: EWCs may be accrued by inmates sentenced to life as follows:

Sentence	Dates	Eligibility
A Life Sentence for Other than Murder	If offense was committed before 5/5/78	Eligible for EWCs
If offense was committed on or after 5/5/78	Eligible for EWCs beginning 6/30/81	A Life Sentence for Murder with a 10 Year Parole Eligibility
If offense was committed prior to 6/13/77	Eligible for EWCs	A Life Sentence for Murder with a 20 Year Parole Eligibility
If offense was committed before 5/5/78	Eligible for EWCs	If offense committed on or after 5/5/78 and before 6/15/81
Not eligible for EWCs except between 6/30/81 and 5/21/85	If offense committed on or after 6/15/81 and before 5/21/85	Eligible for EWCs beginning 6/30/81
If offense committed on or after 5/21/85	Not eligible for EWCs	A Life Sentence for Murder with a 30 Year Parole Eligibility

4.3 Crime Bill Passed June 7, 1995, "No Parole": Any inmate whose crime was committed on or after January 1, 1996, and who was sentenced to one of the "No Parole" offenses can earn EWCs/EECs and Bonus Credits at a combined maximum total of six (6) credits a month and maximum annual total of 72 credits. These offenses must be considered the principal of the crime carrying an offense characteristic of "Facilitation of," "Guilty but Mentally Ill," "Accessory Before and After the Fact," or "Attempt to Commit."

4.4 Youthful Offender Act: An inmate who was sentenced under the Youthful Offender Act is not eligible to receive EWCs/EECs towards the reduction of time to serve on his/her sentence. However, if s/he has a concurrent determinate (straight-time) sentence, EWCs/EECs may be earned and applied against the determinate sentence.

4.5 Interstate Corrections Compact: Inmates serving sentences from other states under provisions of the Interstate Corrections Compact are not eligible to receive EWCs/EECs. However, if a concurrent South Carolina sentence is also being served, EWCs/EECs may be credited to the South Carolina sentence. Inmates serving South Carolina sentences in other states will be awarded EWCs/EECs as determined by the Division Director of Classification and Inmate Records based on information furnished by the other state.

4.6 Inmates Serving South Carolina Sentences in Other Jurisdictions: Inmates who have South Carolina sentences that are concurrent with a federal or other state sentence and who have worked at a productive duty assignment while in the other jurisdiction are eligible for SCDC earned work credit provided that:

- SCDC has obtained documented and reliable information from the other jurisdiction that work was performed;
- Work that was performed is equivalent to the type of work that would have permitted the inmate to earn credit if s/he had been in an SCDC institution;

- The work was performed during the time that the inmate's concurrent South Carolina sentence was in effect;
- The inmate is eligible to receive EWC; and
- Loss/forfeiture of good time will also be applied to any inmate who has received a disciplinary conviction after the start date of the South Carolina sentence.

4.7 Probation/Parole: Inmates on parole or probation, even when related to a sentence which includes incarceration, are not eligible to earn EWCs/EECs for the time spent under community supervision.

4.8 Habitual Offender: Inmates serving sentences solely for Habitual Offender are not eligible to earn EWCs/EECs.

4.9 Mandatory Five Year Sentence for Firearms Possession: Inmates serving the mandatory five (5) years for the possession of a firearm during the commission of a violent crime are not eligible to receive EWCs/EECs for the period of incarceration which is served for the possession violation (enhancement).

4.10 Criminal Contempt: Inmates serving criminal contempt sentences are entitled to earn EWCs/EECs.

4.11 Criminal Charge Conviction: Inmates who are charged with a violation on or after September 16, 1996, for which they are criminally convicted in the state judicial system will receive a restriction which will not allow advancement to EWC Level 2.

5. OTHER LIMITATIONS:

5.1 Institutional Transfers: When an inmate is transferred from one institution to another, EWCs/EECs will be discontinued immediately after his/her last day of work at the losing institution or last day of participation in a school or vocational program. The only exception will be for those inmates who are scheduled for participation in the 30-Day Pre-Release Program or the Addictions Treatment Unit.

5.2 Restrictive Housing Unit (RHU): Inmates housed in RHU will not receive EWCs with the exception of the following:

5.2.1 When an inmate is placed in a Restrictive Housing Unit (RHU) for purposes of pre-hearing detention, his/her EWCs/EECs will be discontinued on the first day of absence from his/her employment or school/vocational assignment/program. EWCs/EECs lost will not be reinstated regardless of the disposition of the charges. If the charges are dropped, the inmate is found not guilty, or the inmate successfully appeals the guilty finding, the inmate may be reassigned to his/her previous job, school, or vocational assignment at the same rate and level. EWCs/EECs will be resumed only when the inmate returns to work, school, or vocational assignment. No EWCs/EECs will be reinstated for the period of time the inmate was in RHU.

5.2.2 Any time an inmate is placed in RHU housing on pre-hearing detention status (also referred to as short-term lock-up) and/or is found guilty of a disciplinary infraction pursuant to Agency inmate

disciplinary procedures, the inmate will be reviewed by the Institutional Classification Committee (ICC) for job, school, or vocational reassignment immediately after release from RHU status. The ICC will determine if the inmate should be reinstated to his/her previous job, school, or vocational assignment or assigned to another job, school, or vocational assignment. EWCs/EECs will be resumed only when the inmate returns to (and participates in) his/her work, school, or vocational assignment.

5.2.3 Protective Custody: Every effort will be made for inmates on statewide Protective Custody status to be provided meaningful work. Those who work will receive earned work credits at a rate of Level Seven (7).

5.3 Substantiated Security Risk (SSR): Inmates housed in SSR will not receive EWCs.

5.4 Disciplinary Appeals: If an inmate's disciplinary conviction is overturned pursuant to GA-01.12, "Inmate Grievance System," s/he will be entitled to reinstatement of earned work credits at the previous rate of earning. However, EWCs/EECs lost while an inmate is in a Restrictive Housing Unit (RHU) will not be reinstated.

5.5 Return to Court: The losing institution must monitor the inmate's length of time away from the institution as a result of a court transfer. EWCs/EECs will be terminated on the first day of absence when an inmate is absent from his/her job, school, or vocational assignment for longer than three (3) working days due to a court appearance.

5.6 Psychiatric Unit Resident: EWCs/EECs will be discontinued immediately except when simultaneously assigned to a productive job, school, or vocational assignment.

5.7 Habilitation Unit for the Developmentally Disabled Offender: Inmates in the Habilitation Unit are not eligible for EWCs/EECs except when assigned to a productive job, school, or vocational assignment.

5.8 Disability Status: Inmates who are certified as disabled by authorized medical personnel may earn EWCs/EECs if they are cleared by the medical section as able to work or attend school or vocational programming. Inmates who are on disabled status because of a job related accident will continue to earn EWCs/EECs until certified as able to return to work, school, or vocational assignment, or up to six (6) months, whichever occurs first. Every effort should be made to provide productive employment and/or educational or vocational programming for disabled inmates commensurate with their medical capabilities. (4-4450)

5.9 Six (6) Months Pre-Release Program: Inmate participants in the Six (6) Months Pre-Release Program will continue to receive EWCs/EECs at the same level as their custody prior to being transferred to a Pre-Release Center.

5.10 Addictions Treatment Unit (ATU) Program and ATU Step-Down: Inmate participants in the Addictions Treatment Unit Programs and ATU Step-Down will continue to receive EWCs/EECs at the same level as their custody prior to being transferred.

5.11 Supervised Furlough II-A Program (SFII-A): Inmates participating in the SFII-A program will continue to receive earned work credits at the same level as their custody prior to release on SFII-A. Earned work credits will be discontinued if a warrant for SFIIA violation is issued. The effective date for termination of earned work credits will be the warrant issue date.

5.12 Safekeeper (Including Death Row): Inmates in Safekeeper status for counties through Executive Order or on Death Row are not eligible for EWCs/EECs.

5.13 Escape: If an inmate escapes, his/her EWCs/EECs will be stopped immediately.

5.14 Medical: EWCs/EECs will be terminated on the first day of absence when an inmate is sick and away from his/her job, school, or vocational assignment for longer than three (3) working days due to non-job related reason, i.e., sick pass due to flu, broken leg, etc. (See also Procedure 6, below.)

5.15 Other Circumstances: EWCs/EECs will be continued for a period of three (3) working days. If the inmate is absent for more than three (3) working days, EWCs/EECs will be terminated effective the first day of absence. This includes sick call, authorized absence, or any other official absence not mentioned above.

5.16 Early Release to Detainers: The EWC/EEC will be continued for a period of five (5) working days prior to maxout of SFII-A release when an inmate is picked up on an outstanding detainer (e.g., hold/wanted prior to maxout or SFII-A early release date).

5.17 Institutional Lockdowns: The EWC/EEC of inmates assigned to a job or attending school at the time of the lockdown will be continued if the lockdown is due to no fault of the inmate (i.e., staff shortage, actions of another inmate).

6. INJURY AND HOSPITALIZATION:

6.1 Job Related: In case of job related injury or hospitalization, EWCs/EECs will continue at the same level up to six (6) months, or after being medically certified as able to continue employment, whichever occurs first. If the inmate does not return to work after being medically certified and the job-related absence has been less than six (6) months, the EWCs/EECs termination date will be effective the day following the date of medical certification.

6.2 Non-Job Related: EWCs/EECs will be continued for a period of three (3) working days. If the inmate is absent for more than three (3) working days, EWCs/EECs will be terminated effective the first day of absence.

7. INMATE JOB/SCHOOL ASSIGNMENT: SCDC Form 19-54, "Inmate Job/School Assignment," is to be used to record all initial job/school assignments and subsequent changes (e.g., reassignments, promotions, demotions, and terminations, etc.). After the form has been completed, proper distribution will be made, to include filing in the institutional record.

7.1 Voluntary Job Change: An inmate who has successfully completed at least twelve (12) months in an assigned job may request a job change. The inmate must appear before the ICC for approval/disapproval.

7.2 Lateral Transfers: Job transfers within the same area may be implemented by the job supervisor without prior approval of the ICC/Caseworker. Classification must be notified within 48 hours using SCDC Form 19-54, "Inmate Job/School Assignment," with the job supervisor maintaining a copy for his/her files. The Classification Case Manager/Caseworker will sign the form and forward the original to the institutional record. (Refer to Procedure 7.5., below, for information pertaining to computer entry.)

7.3 Terminations:

7.3.1 An inmate may be recommended for termination from a job by his/her supervisor for unsatisfactory job performance, inability to perform work, or other appropriate reasons. Prior to termination, the inmate may be given SCDC Form 19-123, "EWC Performance Evaluation, Warning Notice," by his/her supervisor explaining how his/her performance could be improved. Depending on the circumstances surrounding the termination, the inmate may be charged with a rules violation. (A "Warning Notice" is not required prior to termination.) All terminations (except administrative request) must be approved by the Institutional Classification Committee.

7.3.2 In case of termination, the supervisor will submit the recommendation to the Classification Section on a completed SCDC Form 19-54, "Inmate Job/School Assignment," indicating the circumstances surrounding termination. Copies of any warning notices, counseling forms, or incident reports should be attached. If the inmate is terminated by the ICC, the effective date of termination is the date signed by the job supervisor on SCDC Form 19-54, "Inmate Job/School Assignment."

7.3.3 The ICC will review all documentation and interview the inmate for possible reassignment to another job.

7.3.4 The supervisor recommending termination will not participate as a voting member on the ICC reviewing the termination case.

7.3.5 Administrative Request: An inmate may be reassigned at the discretion of the Warden or designee when it is deemed necessary for the safety and security of the institution.

7.4 Recording of Job/School Assignment: SCDC Form 18-1, "Committee Docket," and SCDC Form 19-54, "Inmate Job/School Assignment," will be used for recording all initial job/school assignments and subsequent changes. Inmates assigned to jobs and/or to school will be directed to the appropriate supervisor following their ICC hearing. Individual work supervisors will receive notice from the Case

Manager/Caseworker of the inmate's assignment within 24 hours of the hearing.

7.5 Computer Entry: Job/school assignment information will be entered into the SCDC CRT indicating the inmate's SCDC number, job classification code, effective date of hire, job location, and number of days/hours to be worked. The designated institutional employee will make appropriate CRT entries on the EWC/EEC screens within three (3) working days after the ICC hearing.

7.6 Refusing to Work/Failure to Work/Refusing to Attend the Compulsory School Program: An inmate's refusal to work or participate in a mandatory educational program will result in disciplinary action pursuant to SCDC policies pertaining to inmate discipline. (See SCDC Policy OP-22.14, "Inmate Disciplinary System.")

8. AWARDING EARNED WORK CREDITS: (NOTE: The Agency adopted a five (5) days on and two (2) days off (5/2) work schedule effective January 1, 1998, with exceptions limited to job sites which are on seven (7) day credits.) All seven (7) day credit job assignments must receive the written approval of the Division Director of Classification and Inmate Records.

8.1 Each inmate job assignment will be placed in one of four job classification levels, and EWCs will be awarded on the basis of custody:

CUSTODY	LEVEL 2	FULL-TIME	PART-TIME
Minimum Out (MO)	5 days/week	2.50 credits/week	1.25 credits/week
7 days/week	3.50 credits/week	1.75 credits/week	Minimum OutRestricted (MOR)
5 days/week	2.50 credits/week	1.25 credits/week	7 days/week

CUSTODY	LEVEL 3	FULL-TIME	PART-TIME
Minimum In (MI)	5 days/week	1.19 credits/week	0.595credits/week

(NOTE: Minimum In (MI) will be Level 3 until meeting behavior and time requirements to Minimum Out Restricted (MOR), then move to EWC Level 2.)

CUSTODY	LEVEL 5	FULL-TIME	PART-TIME
Medium (ME)	5 days/week	0.7142 credits/week	0.3571 credits/week

8.2 No more than 180 days of Earned Work Credits and/or Educational Credits will be awarded to any one inmate during any 12-month period. For those inmates with "No Parole" sentences, no more than 72 days

will be awarded during any 12-month period.

8.3 Any EWCs awarded retroactively must be requested by the Warden with at least two (2) supporting statements and documentation from SCDC or supervising employees verifying the work and the dates performed. All Earned Work Credits awarded retroactively must be approved in writing by the Division Director of Classification and Inmate Records.

8.4 Inmates will be provided the opportunity to work and earn EWCs on an equitable and rational basis, consistent with security needs, and without discrimination on the basis of race, sex, or disability.
(4-4450)

8.5 EWCs will be awarded on a day-for-day basis. Overtime hours may not be applied to five (5) or seven (7) day credit, except as approved by the Agency Director.

8.6 Notwithstanding the provisions of these procedures, inmates may be required to work beyond a 40 hour work week and/or an eight (8) hour work day to perform duties for the benefit of the Agency.

9. SECURITY PRECAUTIONS:

9.1 Inmates will not be permitted to complete, handle and/or peruse EWC forms.

9.2 Inmates will not be permitted to observe EWC/EEC data entry into CRTs.

10. LOSS OF EARNED WORK, EDUCATION, OR GOOD CONDUCT CREDITS PURSUANT TO SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, §24-27-200

Pursuant to §24-27-200, a prisoner shall forfeit all or part of his earned work, education, or good conduct credits in an amount to be determined by the Department of Corrections upon recommendation of the court or administrative judge. The taking of earned work, education, or good conduct credits shall be consistent with appropriate due process considerations. See SCDC Policy OP-21.11, "Loss of Statutory Good Time," for more information about the procedures that must be followed for forfeiture of earned work, education, or good conduct credits pursuant to §24-27-200.

11. DEFINITION:

Full-time Meaningful Programs refer to organized, supervised programs including, but not limited to: vocational training, education courses, work assignments, work release, agriculture, public works, and industries which allow inmates the opportunity for a minimum of five (5) hours per day and an optimum of

eight (8) hours per day participation and engagement in intellectual, constructive, and physical activity.
(4-4448, 4-4449, 4-4451, 4-4452, 4-4454)

SIGNATURE ON FILE

—
s/Bryan P. Stirling, Director

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Date of Signature

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